

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/711,389	Confirmation No. 5388
Inventor(s): Werner ZUMBRUNN, et al.	Title: TRANSDERMAL DRUG DELIVERY METHOD AND SYSTEM
Filed: September 15, 2004	
TC/A.U. 1615	
Examiner: Melissa S. MERCIER	
Docket No. DIPI0002	
Customer No. 25235	

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


A Notice of Non-Compliant Amendment was mailed November 8, 2007 (copy enclosed), indicating that the Replacement Sheets were not properly identified in the Preliminary Amendment electronically filed October 24, 2007.

In the electronic filing of October 24, 2007, all four drawings were filed. Only sheets 3 and 4 were amended, so only sheets 3 and 4 contained the "Replacement Sheet" label. Sheets 1 and 2 were not amended and so were not titled.

To simplify matters, attached is a Substitute Preliminary Amendment which includes only sheets 3 and 4, both of which labeled as "Replacement Sheet."

Respectfully submitted,

November 29, 2007


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25235 e 11/08/2007

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Paper No.

HOGAN & HARTSON LLC

Application No.: 10/711,389



Date Mailed: 11/08/2007

First Named Inventor: Zumbrunn, Werner,

Examiner: MERCIER, MELISSA S

Attorney Docket No.: CT0002

Art Unit: 1615

Confirmation No.: 5388

Filing Date: 09/15/2004

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.
10/711,389

Applicant(s)
ZUMBRUNN ET AL.

Art Unit
1700

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 24 October, 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other
- ☒ 3. Amendments to the drawings:
- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other:
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable Karen T. Washington

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